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Chapter Fourteen

Beyond the Straight State

On the Borderlands of Sexuality, Ethnicity, and Nation in the United States and Europe

Kevin S. Amidon

Every actual democracy rests on the principle that not only are equals equal, but unequals will not be treated equally.

—Carl Schmitt, *The Crisis of Parliamentary Democracy* (1923)

Borderlands—limned, delimited, and defined by the presence, imaginary presence, or absence of geospatial boundaries contingent upon state power—have many representations. Positive and negative state sanction through rights, privileges, policing, or enforcement are often determined by a person's position with respect to such boundaries.¹ Sometimes such boundaries, like the borders of nation-states that generally define citizenship, seem to have taken on nearly immutable fixity. The historical processes through which institutional structures accreted to these questions of space and sanction began to take their modern shape in the eighteenth century.² Often, however, borderlands are more imagined than physical, more contingent upon concepts and identifications than upon fixed geospatial boundaries. Daniel T. Rodgers's expression of this polyvalent issue is clear and succinct: "'Borderlands' is a word of multiple and competing uses, some of which extend far beyond its core, geographic meanings into a general cultural metaphor."³ Such metaphorical borderlands, spheres of imaginary and contingent action, represent the sites of complex and multi-layered processes of institutional and self-identification like ethnicity. Any successful exploration of the relationships between nation and ethnicity must therefore reflect how the geophysical borderlands of states and institutions shade over into the conceptual and metaphorical borderlands of individual and group identities.

Within the borderlands of personhood and citizenship, sexuality provides a further complex and dynamic focus of controversy. The history of the

concepts used to define and describe sexuality demonstrates the difficulties involved in exploring these issues.⁴ In both the United States and Europe, recent moves toward state authorization of same-sex relationships have begun to reveal that sexual taxonomies stand together with markers of race, ethnicity, migration status, and citizenship as central conceptual means by which states and institutions police, enforce, and sanction rights, privileges, and exclusions. These legal shifts have been accompanied by growing debates about the kinds of social, political, or intellectual solidarity that the wide spectrum of people who identify in ways other than through traditional male-female sexuality might or might not share.⁵ Finally, as nontraditional forms of sexuality have become more visible, their ascription by individuals to themselves, or by institutions to individuals, have shifted and reframed the understanding of other categories of nationality, ethnicity, and identity. Sexuality therefore provides a revealing set of indices about the negotiation of identity and privilege between individuals and institutions, and between subjects and states. In particular, the cultural, social, and legal tensions that surround immigration and refugee flows have revealed highly visible ways in which sexuality serves as a central point of reference in the negotiation of legal and political inclusion and exclusion. These forms of inclusion and exclusion remain contingent upon developing regional, national, and super-national forms of legal organization, but everywhere sexuality—and often specifically forms of same-sex-oriented sexuality—increasingly contributes to the establishment of coordinate systems within the metaphorical borderlands of state sanction. Sexuality, ethnicity, nationality, and citizenship therefore increasingly and recursively define each other. This chapter will explore a range of recent events in the United States and Europe that shows the significance of sexuality to debates about who belongs to what nation, culture, or ethnic group, and how political, administrative, and legal systems should understand sexuality in relation to ethnic nationalism and other categories.

MIGRATION, NATION, AND SEXUALITY DISCOURSES IN THE UNITED STATES

Migration status and sexual identity, along with the complex gender dynamics inherent to both, form a mutually constitutive sphere of the negotiation and contestation of civil, social, and political rights in Europe and the United States. For individuals, this also means that identities can have a protean, disaggregated character, because nationality, ethnicity, and sexuality can appear to conflict with one another both for individuals themselves and for the institutions that determine their political or legal status. Therefore, the

integration of immigrants and their practices within today's United States and European contexts is better understood as a recursive, historically contingent disaggregation and remapping of identities within overlapping geospatial and metaphorical border spaces than as linear or one-dimensional mapping of recently arrived ethnic groups, behaviors, or norms onto established geographic and political concepts. In the classical formulation of Herbert Marcuse, "Liberty . . . stipulates the ability to determine one's own life. . . . But the subject of this autonomy is never the contingent, private individual as what which he actually is or happens to be; it is rather the individual as a human being who is capable of being free with the others."⁶

Individuals thus never carry their legally and institutionally mediated and regulated rights and privileges with straightforward, ahistorical, or atemporal unity. The national and the cultural retain, at their core, transnational and transcultural elements—elements that the political, institutional, and technological developments of the twenty-first century make even more clear. In Seyla Benhabib's paraphrasing of twentieth-century legal and sociological traditions in the discourses of citizenship, "'citizenship' can be *disaggregated* into three components: collective identity, privileges of political membership, and social rights and claims."⁷ Her arguments focus primarily on concepts and their institutional correlatives rather than individuals. Those same arguments, however, indicate that this disaggregation maps onto processes at the level of subjectivity and identity as well. Soysal identifies this in her analysis of 1990s developments in European immigration regimes:

The dissociation of nationness from state and identity from rights within a postnational scheme projects multiple levels of participation in a polity. . . . My intention is to highlight the emergence of a membership that is multiple in the sense of spanning local, regional, and global identities, and which accommodates intersecting complexes of rights, duties, and loyalties.⁸

More recent thinkers like Oliver Schmidtke have reversed Soysal's perspective, and argue that despite the apparent loosening of national borders as geophysical infrastructures, their conceptual status and significance are in many ways redoubled by their disaggregation. Schmidtke in fact highlights precisely this tension:

Borders are not on the verge of becoming irrelevant in terms of how political communities are organized and citizenship regimes governed. They still provide the basic rationale for inclusion and exclusion, determining the eligibility of rights. Still national borders can no longer claim the uncontested status they once enjoyed. Borders have become a discursively contested field, with meaning attributed to them in various and often competing ways.⁹

Sexuality stands among the most complex, historically charged, and institutionally fraught of these disaggregated borderlands of subjectivity, for sexuality has been—and remains—so often a realm of the unspoken, of informal social control, of gaps and tensions between self-ascription, behavior, and social practice that it is often hidden in plain sight. Developments of the past forty years have transformed the visibility of same-sex-oriented sexuality in the United States and Europe, and have revealed it as centrally significant in the constitution and negotiation of many of the borderlands of contemporary sociopolitical understanding.¹⁰

Controversies about immigration and same-sex relationships in the United States have usually remained conceptually, discursively, and legally separate. Nonetheless both occasion strong opinions and interventions in politics and the law. On the surface, it often appears that political opposition to the institutional privileging of same-sex relationships correlates cleanly with opposition to expanded recognition of or support for immigrants, whether documented or undocumented. As soon as one looks deeper than the surface of these discourses, however, this political mapping breaks down. Many ethnically defined communities that demonstrate strong support for less punitive, intrusive, or exclusionary immigration regimes display substantial opprobrium toward same-sex relationships. Religiously defined communities, particularly on the Christian spectrum, both Catholic and Protestant, occasionally show similar inclinations. Furthermore, current discussions in the United States, however speculative, about rewriting the Fourteenth Amendment's conferral of citizenship upon all born within U.S. borders¹¹—to speak nothing of the endless cycle of attempts to reinforce the fixed, exclusionary technological infrastructure of the U.S.-Mexico border¹²—give dramatic evidence of the ongoing power of borders to shape both lives and politics. Europe's almost infinitely varied means of the transit of immigrants by air, road, rail, and sea across a widely varying set of boundary markers throws up problems that are similarly complex. This tangled political field reveals that despite what appears to be their political and juridical independence, immigration and same-sex sexuality run in parallel—and together—as the representational correlatives of both physically demarcated and conceptual-symbolic borderlands.

Furthermore, the protean history of constitutional discourses of privacy in the United States hinges upon just such an imaginary borderland. Where does the citizen have a spatial sphere in which activity that might be sanctioned negatively in public may be undertaken free of the direct exercise of state power of surveillance and enforcement?¹³ At the same time, how do these activities, with or without acknowledgment, relate to state institutions that protect and subsidize certain forms of domesticity? The demarcations derived

from property law or concepts of the home often have less to do with privacy than it might first appear.¹⁴ In continental Europe, especially in nations (and now super-nations like the European Union) still marked by the post-World War II reanalysis of civil law, citizenship, and property rights, such mutual constitution of state and individual interests around domestic concerns about privacy shows dramatically the ways in which civil rights can become demands for positive state sanction and protection of previously negatively sanctioned domestic arrangements and behaviors. Increasingly, demands for the maintenance of a sphere of domesticity and privacy relatively free of the intrusion of state surveillance have become demands for the protection and privileging of intimacy.¹⁵

Margot Canaday in her book *The Straight State: Sexuality and Citizenship in Twentieth-Century America*, reveals the relationships between citizenship, state sanction, and sexuality. She shows that the construction of the institutional framework of the modern welfare state, including the struggles over civil rights by women and ethnic and sexual minorities, took place not only through the definition of inclusion within the sphere of privilege based on gender, veteran's status, or immigration status, but also through definition of same-sex sexual behavior as disqualifying individuals from the benefits conferred by those institutions. Specifically, the legal and political elaboration of regimes to control immigration, military conduct, welfare benefits, and education through positive financial incentive and negative financial or punitive disincentive in the United States exposes the halting construction, both by positive definition and negative exclusion, of conceptual spheres of the "homosexual" and the "straight."

These categories came to be applied, again haltingly and inconsistently but with increasing scale and scope, in ways that meant that same-sex sexual behavior, most often between men but increasingly in the mid-twentieth century—especially in military contexts—also between women, categorically excluded individuals from state-sanctioned privileges and benefits.¹⁶ In Canaday's specific formulation:

As the state expanded . . . it increasingly developed conceptual mastery over what it sought to regulate. This itself was part of the work of state-building, part of a longer process of the state coming to know and care about homosexuality. After the Second World War, an increasingly powerful state wrote this new knowledge into federal policy, helping to produce the category of homosexuality through regulation. From the mid-1940s to the late 1960s . . . the state crafted tools to overtly target homosexuality. In contrast to the earlier period, policies were enacted that *explicitly* used homosexuality to define who could enter the country and be naturalized, who could serve in the military, and who could collect state benefits.¹⁷

This is a story of legal, political, and regulatory attempts to give clear borders—both geospatial and metaphorical—to the protean world of self-transforming behaviors, identities, and affiliations that are the borderlands of sexuality and nationality. It is an ongoing story. The discussions in the United States of same-sex marriage and the status of same-sex sexual behavior within the military are the clearest manifestations of this process today. A congressional mandate passed in December 2010 required the Department of Defense to eliminate its so-called “don’t ask, don’t tell” (DADT) policy, whereby service members who engaged in same-sex relationships were encouraged to remain silent about them to remain in the military.¹⁸ Under DADT, evidence of same-sex sexual behavior could still result, and regularly did, in discharge from military service on terms unfavorable to the payout of benefits for veterans.¹⁹

EUROPE, NATIONALISM, AND THE POLITICS OF SEXUALITY

In Europe, the far longer and more tangled history of border conflicts gives similar issues more complex historical, political, and juridical valences. Current historical research across the numerous political, cultural, and linguistic spheres and traditions in Europe is beginning to tease out these complexities, but immense amounts of work remain to be done to reach the level of sophistication that Canaday’s work on the United States achieves.²⁰ A survey of contemporary journalism reveals the political, cultural, and historical stakes, however. European commentary is currently saturated with discussions of the consequences of migration and immigration. Sexuality is often central to these discussions, even when it does not appear on the surface of them. For instance, the page 2 column in the *International Herald Tribune* of January 4, 2011, contains John Vinocur’s extensive and pessimistic reflections on the contemporary political spectrum in the Netherlands, in which Muslim immigration has generated increasing controversy in the past decades. Vinocur introduces his discussion with the statement, “Of all Europe’s great and present miseries, the one receiving the most uncertain remedies is the failing integration of its increasingly large and alienated Muslim communities.”²¹ He concludes his reflections with a darkly prophetic vision, one that reverses the figure of integration and shifts its referent from immigrants to states, super-states, and their institutions: “The disintegration of the European Union and its common currency may well be steered into a rational, livable outcome. The increasingly mean and mutually demeaning confrontation between Europe and its Muslim immigrants finds no signs of a clear resolution, just more misery.” Vinocur focuses his commentary on two leading mainstream Dutch

politicians from major parties, Frits Bolkestein, the former leader of the Liberal Party, and Job Cohen, the leader of the Labor Party. Vinocur figures them as representing a split between those, like Bolkestein, with "profound and overarching concern about the long-term influence of Muslim populations on all of European society," and what he calls "the School of Acquiescence and Denial," to which he ascribes Cohen and intellectuals including Jürgen Habermas in Germany and André Glucksmann in France.

Remarkably, the name Geert Wilders, currently the leader of the *Partij voor de Vrijheid* (Party for Freedom; PVV) in the Netherlands and the third-largest party in the Dutch parliament at the time, does not arise in Vinocur's commentary. Wilders, who profiles himself as the most significantly and consistently anti-Muslim figure in Dutch politics and who calls regularly for the banning of the Koran, has become something of a model for small-party politicians in other European nations. Relatively new smaller parties like Wilders's PVV that give anti-Muslim rhetoric a significant position in their programs are proliferating around Europe: the *Freiheitliche Partei Österreichs* (Freedom Party of Austria; FPÖ), *Vlaams Belang* (Flemish Interest) in Belgium, the *Sverigedemokraterna* (Sweden Democrats; SD) in Sweden, and the *Dansk Folkeparti* (Danish People's Party, FP) in Denmark. Some older quasi-nationalist smaller parties, like the *Schweizerische Volkspartei* (Swiss People's Party; SVP) in Switzerland and the *Front National* in France, have renewed their focus on anti-Muslim rhetoric. These parties have entered national parliaments in the Netherlands, Switzerland, Sweden, Austria, and Denmark, and regional parliaments in many more countries. Increasingly, they share concepts and strategies in international settings. Wilders gave an address on September 11, 2010, in New York City at the invitation of a group opposing the building of a mosque near the World Trade Center site.²²

Germany, with its strict laws against hate speech and well-established constitutional structures for shutting down parties perceived to endanger the constitutional order by fostering racial or ethnic hatred or violence, has not yet produced a viable national political party of this sort, despite regional attempts.²³ As can be seen in the other European states in which such parties have taken root, these moves transcend traditional left-right distinctions. Currently, a new move is underway to found such a party in Germany, with close links to other small European anti-immigrant parties. The January 3, 2011, issue of the German weekly *Der Spiegel* contains a lengthy profile of René Stadtkewitz, a former member of the Berlin city-state parliament for the Christian Democratic Party (CDU; the mainstream center-right party). Stadtkewitz has founded a new party with the name "Die Freiheit," dispensing with the word "party" in the name, but referring to both Wilders's PVV in the Netherlands and the FPÖ in Austria. The article claims that Stadtkewitz

models himself directly on Wilders, and that he seeks close links to the parties around Europe mentioned above. It also shows him attempting to cultivate potential anti-Muslim allies who have backgrounds in other mainstream political parties, like the former central banker and writer Thilo Sarrazin.²⁴ The article argues that Stadtkewitz seeks to build his party first within Berlin city-state politics, and concludes that this might be a possibility: a poll authorized by one of Berlin's major mainstream daily newspapers, the *Berliner Zeitung*, revealed that 24 percent of the poll respondents "could imagine voting for a 'party directed against Islam.'"²⁵

The significance of sexuality as an element in the complex dynamics of these European debates about Muslim immigration comes to light in a further article in this same issue of *Der Spiegel* (January 3, 2011). In many European and American political discourses surrounding immigration, questions of sexuality run under the surface. They nonetheless rise quickly to prominence when questions of family policy, birthright citizenship, population growth and demographic change, social services, and education come to the fore. Under the heading "Integration" and the title "You're a whore now," the article discusses the perception that young Muslim women in Berlin suffer from a clash of expectations between the strict limitations placed upon the expression of sexuality in their family homes and the extensive possibilities for sexual interaction outside the home found in the large city. The consequences for these young women appear to be a proliferation of domestic violence in immigrant homes, high rates of pregnancy and abortion (largely illegal in Germany), and a substantially increased risk of suicide.²⁶

While the political rhetoric and activity of figures like Wilders and Stadtkewitz generally leave questions of sexuality in the background, their strategies take much from the work of a figure in the Netherlands who regularly, overtly, and provocatively revealed the mutual constitution of immigration and sexuality—and in particularly homosexuality—in European parliamentary politics. Furthermore, not only was this figure an openly gay man, but he specifically used homosexuality and European attitudes toward it as a rhetorical wedge between Muslim immigrants and what he perceived to be Dutch and European values and norms. This man was the politician Pim Fortuyn, a sociologist and journalist who rose to prominence in 1999 as one of the leaders of the *Leefbaar Nederland* (Liveable Netherlands) party. He regularly asserted that gay rights represent a fundamental and unassailable position in European civil rights, and that Muslim immigrants who might—in reality or in the imaginary—refuse to recognize those rights thereby exclude themselves from the sphere of the European.²⁷ His arguments became, nonetheless, somewhat too strident for his *Leefbaar Nederland* colleagues, and he was eventually dismissed as the head parliamentary candidate of the party.

Subsequently, in 2002, he founded his own party, the *Lijst Pim Fortuyn*, and was elected into parliament on its platform of immigration limits and assimilation requirements. On May 6, 2002, however, before he could take up his parliamentary seat, he became the victim of the first political assassination in the history of the postwar Netherlands, by Volkert van der Graaf.²⁸ Fortuyn's party nonetheless lived on some years further, dissolving in 2008, one year after *Leefbaar Nederland*. Wilders's party is the near-direct successor of these two parties in platform and rhetoric, though he does not highlight gay rights as central to his construction of a European-Muslim dichotomy.

Political discourses like Fortuyn's pursue a double-edged strategy that turns arguments for and about inclusion in the civil rights increasingly accorded to excluded sexual minorities into means and standards of exclusion for other minorities. While all discourses of integration and assimilation share aspects of this double logic of inclusion through exclusion—that in order to attempt to include oneself within the dominant cultural sphere one must exclude oneself from aspects of another to which one might be or choose to be ascribed²⁹—the direct linkage between civil rights for sexual minorities as a mark of the European and antipathy toward homosexuality and other minority forms of sexuality directly as non- or even anti-European, was thoroughly radicalized in Fortuyn's political language. The debate about head coverings for Muslim women that has become particularly virulent in France also shares aspects of this gendered double logic, for it demands the abandonment of a traditionally visible marker of Muslim cultural-religious affiliation in the service of the discourse of the inclusion of women within the sphere of European civil rights. Nonetheless a focus on homosexuality raises the stakes further, because unlike the generally visible sex/gender dimorphisms upon which the head covering debate relies, no general or normative set of physiological or behavioral markers necessarily reveals the sexual minority status of individuals.³⁰

Recent ethnographic and critical scholarship on the public and artistic representation of sexual and gender minorities in Germany has revealed the development of complex discourses of inclusion through exclusion perpetrated by sexual minorities against ethnic-religious minorities. These discourses take place not in the parliamentary political realm, but in the sphere of public and minority group advocacy. In Germany, episodes of violence against sexual-minority couples displaying public affection have generated much attention and commentary. Subsequent to these episodes, advocacy groups for sexual minorities have demanded greater state and police intervention to prevent and punish such assaults. In Berlin in particular (but with correlative events in both Western and Eastern Europe), the "attackers" in these episodes have been represented in media, advertising, and advocacy campaigns—often

indirectly, but for that all the more interestingly—as coming from another minority: they are usually young, usually Turkish (or Arab, and thus Muslim) first- or second-generation immigrants.

These discourses in Berlin have crystallized around the representative example of the public kiss between same-sex or queer people. The most significantly permanent representation of the same-sex kiss in Berlin exists through a historically mediated borderland delimited by memorial culture's need to distinguish those individuals and groups worthy of public recollection. This representation is found in the Memorial for Homosexuals Persecuted under National Socialism. This memorial mimics the hundreds of concrete stelae found in the Memorial to the Murdered Jews of Europe designed by Peter Eisenman and dedicated in the heart of Berlin's government district in 2005. Designed by the provocative artists Michael Elmgreen and Ingar Dragset and dedicated in May 2008, the memorial skews the rigid rectilinear form of Eisenman's stelae. The single Elmgreen-Dragset stele also contains a significant addition: an opening that allows passersby to peer through a window into the stele, where they can observe a video screen that presents short films that display, on endless loop, public kisses between same-sex male or, in alternate years, same-sex female couples. The film of the male same-sex kiss, directed by Thomas Vinterberg, was originally the only one intended for the memorial, but a lively debate about the nature of victimhood among male and female homosexuals in Nazi Germany—only male homosexuality was outlawed at the time—revealed a further gendered layer within the borderlands of Germany's memorial culture, and led to the decision to alternate between the male and female versions of the film. The male film also directly thematizes observation, surveillance, and threat, because the two kissing men appear to hear, from outside the frame, the movements of other people who may or may not observe their intimacy, just as the viewer of the film is quasi-voyeuristically doing by peering into the memorial stele. Furthermore, the placement of the memorial at the edge of Berlin's largest and most central city park—a space with a long and highly visible history as a space of illicit same-sex intimacy—returns the consideration of borderlands to the geospatial.³¹

The work of the Berlin nonprofit organization MANEO, which has existed since 1990 and calls itself "The Gay Anti-violence Project in Berlin," puts the public kiss at the center of much of its work.³² MANEO directly engages the questions of ethnic and sexual tension that color so much of contemporary European politics. Every year on May 17, MANEO organizes a "Kiss Marathon," which serves as a focal point for the group's ongoing anti-violence campaign theme "kiss kiss Berlin."³³ The potential for the public kiss to become the trigger for violence by those opposed to public same-sex or queer

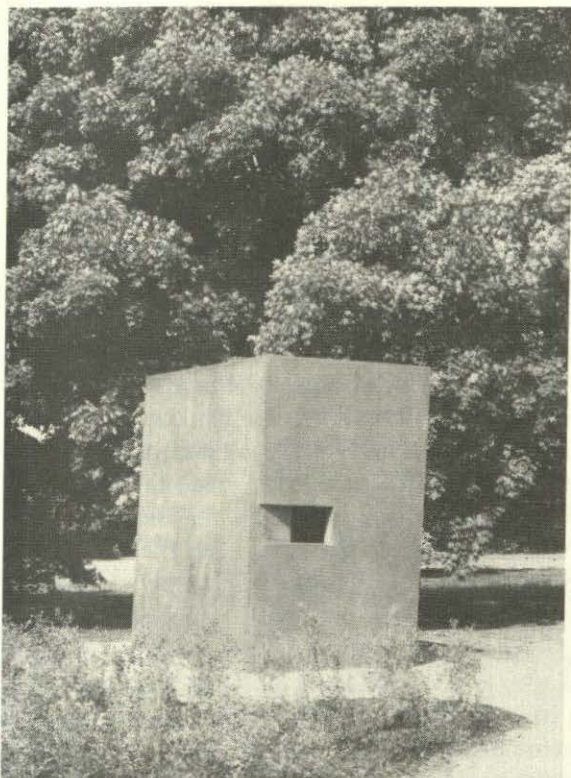


Photo 14.1. Memorial for Homosexuals Persecuted under National Socialism, Berlin. Courtesy of the artists.

intimacy has further formed a substantial element in this campaign, and led to the development of a sphere of advocacy and representation in which public kisses require protection. Particularly in 2008 and 2009, posters for the campaign prominently displayed the English-language phrase “Protect Every Kiss” (see <http://www.maneo.de/benefiz2009/maneo.html>). The form of this protection is left open, allowing for interpretations that privilege many different forms of intervention, from state-mediated policing to private interventionism.

All of these forms of potential protection, however, require public or private surveillance, which MANEO’s campaign thematized most directly in 2006, when it sponsored the production of a film short (played as an introductory public-service short in first-run cinemas) with the title “Überwachungskamera” (surveillance camera/CCTV).³⁴ In the film, shot to mimic a surveillance camera, two ethnically indeterminate male figures express physical affection in a parking lot, and are accosted and physically assaulted—outside the frame—by another group of three ethnically indeterminate young men

wearing typical Berlin youth culture street wear of the day. The final frames contain an intertitle exhorting viewers not to "look away." The social theorist Jin Haritaworn has extensively analyzed the ways in which this film, as well as other publicistic documents including the MANEO "Protect Every Kiss" campaign, blur and efface distinctions between public and private, between observation and policing, and between ethnic and sexual identity. Such documents play upon a sense that threats to public intimacy emerge most clearly from ethnically marked others, which in Berlin are always most clearly Muslim-Turkish-Arab others. She explains the discourse and aesthetic of such campaigns thusly: "Far from random, the gay kiss has a clear orientation: it is not in anyone's face, but in that of the hateful Other, whose foreignness and unassimilability it renders palpable."³⁵ Such kisses make tangible a range of metaphorical borderlands between visible and invisible markers of ethnicity and sexuality, between public and private, between intimate and political acts, and between observation and intervention by individuals or institutions.

In these documents, sympathy for sexual minorities, along with discourses that link those groups to long-standing categories of liberal thought about state-mediated rights and protections, is consequently being generated directly through negative representation of the violent potential—symbolic or real—of ethnic-religious minorities. It appears that as Europe negotiates through physical, virtual, and cultural border policing the level to which Muslim or non-European individuals will be included in or excluded from specific national privileges or discourses, some members of sexual and gender minorities in those nations are beginning to participate directly in extended forms of this boundary work by highlighting their centrality to constitutive national discourses of freedom, autonomy, and sexual rights that appear subject to threat from other cultural influences and groups. In the past few years, scholars of sexuality and identity who focus on LGBTQI relationships have begun a wide-ranging exploration of the many ways in which these previously excluded groups have appropriated the language of exclusion against immigrants to emphasize their own belonging and inclusion. Lisa Duggan's term "homonormativity" has gained substantial currency, while Jasbir Puar's explorations of "homonationalism" and Sarah Lamble's of "queer punitiveness" have made further interventions into a complex and growing field of research.³⁶

The most significant scholarly expression that brings together these branching reflections is found in a body of recent ethnographically inflected scholarship that examines the links between queer theory and the ethnography and sociology of migration between the United States and Latin America. It is exemplified by the work of Lionel Cantú Jr., Manolo Guzmán, and Eithne Luibhéid, and interrogates the specific relationships between immigration regimes and sexual identity in North America in recent decades, particularly in the ethnically and sexually complex world of Latin American immigrants in

California. These authors emphasize the mutual constitution of immigration and sexuality, and have been pursuing both empirical and theoretical means of developing their claims. Guzmán expresses the key issue: "Migration is constitutive of sexuality . . . [and] sexuality is constitutive of migration."³⁷ Cantú chooses a similar but subtler phrase: "Sexuality shapes and organizes processes of migration and modes of incorporation."³⁸ Cantú's work in the late 1990s (before his untimely death in 2002) explored with unique and innovative specificity the empirical world of the U.S.-Mexico borderlands, and the ways in which the identities of men native to both sides of the border shift and change dependent upon their geospatial positioning. Chapter 4 of Cantú's book is called "*De los Otros: Mexican Sexual Borderlands*." He concludes from this aspect of his study that

the creation of gay organizations, gay pride events, and the ensuing commercialization of "gayness" in Mexico are examples that illustrate that a "gay" identity exists in Mexico. Though not clones of the American model, Mexican gay identities are more similar to than different from the gay identities in the United States. The point here is not to argue that "gays" in Mexico are just like "us" but rather to demonstrate that among the variety of sexual identities that exist in Mexico is a gay identity. This identity is linked to capitalist development, and depending on the social locations and sexual identities of men who have sex with men, there are a number of responses to social attempts to regulate and repress homosexuality.³⁹

Luibhéid concludes a study of immigration, sexuality, and family relationships with rather more radical language:

What is ignored is the extent to which immigrant families are *produced* and *governed* in specific ways, which at present link heteronormativity, responsibility, economic privatization, and cultural logics whose racism, hetero-sexism, classism, and ethnocentrism are disavowed. . . . In turn, the production and governance of immigrant families at once draws on and enables ongoing heteronormative state-making and citizenship practices, policies, and ideologies.⁴⁰

Thus not only individuals who self-ascribe contingent upon sexual practices, ideals, and imaginaries, but also social groups like families, show significant recursive borderland effects.

CONCLUSION

The controversies surrounding immigration (in particular citizenship status and rights for immigrants) and sexuality (in particular the sanction of same-sex relationships through state and other institutions like marriage) in

today's global North—controversies that have qualitatively similar but often legally and discursively widely varying parallels across different national and regional jurisdictions—together map both physically constructed and imaginary borderlands. These borderlands stand between the high-status nations and jurisdictions of the global North and the developing global South, between dynamic and shifting communities (often ethnically or sexually identified) within those global North jurisdictions, and increasingly between virtual spaces of political identification. Recursively, these global North discourses correlate with and sometimes motivate ethnic, political, and religious controversies in the global South.⁴¹ They further provide a discursive space in which communities—in particular sexuality-defined communities—that have begun to shift their social position away from marginalization or exclusion and toward greater access to state-ordered privileges and institutions via civil rights claims to develop discourses of normativity that can have sometimes counter-intuitive exclusionary valences. Immigration bears out concerns and anxieties about geospatial borders, their legal and institutional fixity, and the consequences of their inevitable porosity.⁴² Same-sex relationships, and the varied forms of sexuality—and sometimes gender identity—that underlie them, carry with them the more diffuse and conceptual questions surrounding the borderlands of the public and the private, and of the physiological or behavioral fixity of sexual behavior and identity. This migration is, furthermore, not just of human beings, but also of conceptual vocabularies and political-economic regimes.

Sexual taxonomies and state-sanctioned privilege have had a long, contentious, and recursive historical relationship, one that continues to develop new and complex valences. As the physical and geographical borderlands of the global North and its protean (post-) colonial/imperial dominions came under ever more vigilant boundary policing, the identities of their subjects became, and continue to become, an ever more complex virtual symbolic borderland between self-ascription and institutional sanction, between individual autonomy and state power, between insiders and outsiders not only nationally and politically, but culturally and subculturally as well. Racial taxonomies and various ethnic nationalisms, elaborated as they were at the early threshold of colonialism in the later eighteenth century, shaded over in the period of high colonialism in the late nineteenth century into ethnic classifications that added cultural and behavioral elements to the hypostasized structures of racial thought. Through the later nineteenth and twentieth centuries, then, racial and ethnic categories as a means for developing regimes of privilege and policing were joined by a spectrum of sexuality-based markers—and a lively debate about their self-ascriptive character that turned on whether acts or persons (or both together) were the legitimate site of epistemic standing and

therefore of intervention through investigation, surveillance, and prosecution of sexual behavior and sexual self-ascription. Unique about sexuality, in contrast to racial or ethnic classification, is that it inherently requires thought not only about persons, but also about acts, not just about "being," but also about "doing." Thus a new kind of only partially visible sexual borderland emerged into political and institutional consciousness, and motivated a range of new techniques and technologies that might reveal what could be happening across the boundaries of the public and private practice of sexuality, a new frontier of ethnic sexualized nationalism. Vast tracts of these borderlands remain *terra incognita* in the twenty-first century, and their exploration will remain intensely challenging, controversial, and revealing.

NOTES

1. The author wishes to thank Andrew J. Ward, Nathan F. Meier, and the participants and organizers of the February 2010 "Transcultural Perspectives on Nationalism and Ethnicity in the Twentieth Century" conference in Heidelberg.

2. Yasemin Soysal's formulation of these historical boundary-setting processes is compelling: "A . . . development, from the late eighteenth century on, was the redefinition of the populace, from subjects of monarchs to citizens of states, and an emerging overlap between the state and the nation as the principal definer of citizenship. This involved a concerted effort on the part of the state to mold individuals into citizens and to match state boundaries with nationalities, and resulted in fierce wars among and within states." Yasemin Nuhoğlu Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago: University of Chicago Press, 1994), 16.

3. Daniel T. Rodgers, "American Exceptionism Revisited," *Raritan* 24, no. 2 (2004): 36.

4. David F. Greenberg, *The Construction of Homosexuality* (Chicago: University of Chicago Press, 1988).

5. The shorthand LGBTQI is occasionally used to mark this spectrum today, and it is indeed diverse: lesbian, gay, bisexual, transsexual, queer, intersex. I will occasionally use this shorthand later in this paper.

6. Herbert Marcuse, "Repressive Tolerance," in *A Critique of Pure Tolerance*, ed. Robert Paul Wolff, Barrington Moore Jr., and Herbert Marcuse (Boston: Beacon Press, 1969), 101. For a recent discussion of the contemporary applicability of Marcuse's concepts see Rodney Fopp, "Herbert Marcuse's 'Repressive Tolerance' and His Critics," *Borderlands* 6, no. 1 (2007).

7. Seyla Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era* (Princeton, NJ: Princeton University Press, 2002), 162. Emphasis added.

8. Soysal, *Limits of Citizenship*, 165–66.

9. Oliver Schmidtke, "Borders in Public Perception: Renationalizing Modes of Inclusion and Exclusion," in *Of States, Rights, and Social Closure: Governing*

Migration and Citizenship, ed. Oliver Schmidtke and Saime Ozcurumez (New York: Palgrave Macmillan, 2008), 104.

10. The already classic treatment of this issue in the United States is Suzanna Danuta Walters, *All the Rage: The Story of Gay Visibility in America* (Chicago: University of Chicago Press, 2001).

11. "State Lawmakers Outline Plans to End Birthright Citizenship, Drawing Outcry." *New York Times* (National Edition), January 6, 2011, sec. A, 18. Online edition: http://www.nytimes.com/2011/01/06/us/06immig.html?_r=1&scp=1&sq=state%20birthright&st=cse (accessed August 31, 2011).

12. "Homeland Security Cancels 'Virtual Fence' after \$1 Billion is Spent," *New York Times*, January 14, 2011. Online edition: <http://www.nytimes.com/2011/01/15/us/politics/15fence.html?scp=1&sq=Mexico%20border%20fence&st=cse> (accessed August 31, 2011).

13. These reflections derive in many forms from the thoughts expressed by Martha Nussbaum in her *From Disgust to Humanity: Sexual Orientation and Constitutional Law* (New York: Oxford University Press, 2010).

14. Jackson Lears, *Rebirth of a Nation: The Making of Modern America, 1877–1920* (New York: HarperCollins, 2009), 92–132, includes extensive reflections on the relationships between "migration" and "immigration" in the later nineteenth century United States, and the ways in which their legal and regulatory construction in state and federal law overlapped with the racial discourses and disciplines of the period. For example, it was only in the U.S. Circuit Court decision *In re Ah Yup* of 1878 that the category "Caucasian" first entered U.S. law (116).

15. See below for discussion of this issue in the European context. Debates about hate crimes in the United States—particularly those that might be targeted at LG-BTQI individuals—also demonstrate this overlap between privacy and issues of the protection of intimacy. See Nussbaum, *From Disgust to Humanity*, esp. 54–93 and 167–203; C. J. Pascoe, *Dude You're a Fag: Masculinity and Sexuality in High School* (Berkeley: University of California Press, 2007).

16. Another impressive work of scholarship that notes the ways in which the construction of a homosexual/straight binary after World War II influenced the U.S. Department of State and other parts of the civil service is David K. Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (Chicago: University of Chicago Press, 2004).

17. Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton, NJ: Princeton University Press, 2009), 3. Emphasis in original.

18. DADT was also designed so that the superiors or supervisors of soldiers were required to refrain from seeking evidence of same-sex sexual behavior in the services—unless that evidence came to their attention in ways that were either desired or undesired by the individuals involved—but many service members discharged under DADT were actively investigated by their superiors.

19. Canaday explores at length the complex history of conflicts over benefits eligibility among service members (male and female) discharged for homosexuality,

beginning during and after World War I, but accelerating significantly in the wake of the 1944 GI Bill. *The Straight State*, chapters 2, 4, and 5.

20. One superb example is Marti Lybeck's immense "Gender, Sexuality, and Belonging: Female Homosexuality in Germany, 1890–1933" (PhD diss., University of Michigan, 2007), which won the 2008 Fritz Stern Dissertation Prize of the Germany Historical Institute.

21. John Vinocur, "No problem, and that's the problem." *International Herald Tribune*, January 4, 2011, 2. Online edition: <http://www.nytimes.com/2011/01/04/world/europe/04iht-politicus04.html?scp=1&sq=vinocur%20problem&st=cse> (accessed August 31, 2011).

22. "Der deutsche Geert," *Der Spiegel*, January 3, 2011, 51. Online edition: <http://www.spiegel.de/spiegel/print/d-76121052.html> (accessed August 31, 2011).

23. In the 1990s, the Hamburg city-state politician Roland Schill established a short-lived party that gained some national prominence on a law-and-order platform that was directed only obliquely at immigrant populations.

24. "Der deutsche Geert," 50. Sarrazin, a longtime member of the center-left German Social Democratic Party (SPD), was chief minister for finance in the Berlin city-state government and a member of the board of the German central bank (*Deutsche Bundesbank*, now the national subsidiary organization of the European Central Bank). He resigned his central bank position after publishing a book entitled *Deutschland schafft sich ab: wie wir unser Land aufs Spiel setzen* (*Germany Does Away with Itself: How We Are Gambling with Our Country*) in 2010 that attacks multicultural concepts and the immigrant presence in Germany.

25. "Der deutsche Geert," 45.

26. "Jetzt bist du eine Hure," *Der Spiegel*, January 3, 2011, 34. Online edition: <http://www.spiegel.de/spiegel/print/d-76121047.html> (accessed August 31, 2011).

27. See Peter Jan Margry, "The Murder of Pim Fortuyn and Collective Emotions. Hype, Hysteria and Holiness in the Netherlands?" *Etnofoor: antropologisch tijdschrift* 16 (2003): 106–31.

28. A contemporary discussion from the UK website *The Telegraph*: <http://www.telegraph.co.uk/news/worldnews/europe/netherlands/1425944/Fortuyn-killed-to-protect-Muslims.html> (accessed August 31, 2011).

29. See, for example, Dan Rodriguez-Garcia, "Beyond Assimilation and Multiculturalism: A Critical Review of the Debate on Managing Diversity," *Journal of International Migration and Integration* (2011) 11: 251–71.

30. The political consequences of the varying visibility of LGBTQI persons and Muslims is a central theme of Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham: Duke University Press, 2007).

31. Thomas O. Haakenson: "Queers in Space: The Art of Michael Elmgreen and Ingar Dragset." Unpublished paper in *Queer Theory—Visual Culture*, ed. Kevin S. Amidon, Thomas O. Haakenson, and David J. Prickett. Volume in preparation.

32. <http://www.maneo.de/> (accessed August 31, 2011).

33. <http://www.maneo.de/kampagne/kiss-kiss-berlin.html> (accessed August 31, 2011).

34. The film is available at <http://www.maneo.de/galerie/filme-mitschnitte/kino-spot-ueberwachungskamera.html> (accessed August 31, 2011).

35. Jin Haritaworn, "Kissing in Public Places: Queer Love, Migrant Hate and Iconographies of Violence." Unpublished paper in *Queer Theory—Visual Culture*, ed. Kevin S. Amidon, Thomas O. Haakenson, and David J. Prickett. Volume in preparation.

36. Haritaworn provides a trenchant critical discussion of all of these concepts in the context of her work on the public kiss. Puar's exploration of the doubly queer image of the Muslim terrorist in U.S. and European debates (e.g., the Muslim terrorist is at once emasculated and all-powerful), and the ways in which that image has come into constellation with advocacy for same-sex oriented people in military service (particularly in the United States, where the perceived threat of Muslim terrorism has transformed the understanding of the world-spanning mission of the military), shows the immense scope of the issues involved. See Puar, *Terrorist Assemblages*, esp. 1–20. The discussion that established "homonormativity" as a critical concept is found in Lisa Duggan, *The Twilight of Equality?: Neoliberalism, Cultural Politics, and the Attack on Democracy* (Boston: Beacon Press, 2003).

37. Manolo Guzmán, *Gay Hegemony/Latino Homosexualities* (New York: Routledge, 2006), 9.

38. Lionel Cantú Jr., *The Sexuality of Migration: Border Crossings and Mexican Immigrant Men*, ed. Nancy A. Naples and Salvador Vidal-Ortiz (New York: New York University Press, 2009), 1.

39. Cantú, *Sexuality of Migration*, 95.

40. Eithne Luibhéid, "Heteronormativity, Responsibility, and Neo-liberal Governance in U.S. Immigration Control," in *Passing Lines: Sexuality and Immigration*, ed. Brad Epps, Keja Valens, and Bill Johnson González (Cambridge, MA: Harvard University Rockefeller Center for Latin American Studies, 2005), 91.

41. Two current controversies in Africa are worthy of study in the context of these reflections: (1) the crisis in the Anglican church in which African bishops have exercised their objections to the ordination of self-ascribing gay and lesbian clergy and bishops in the Episcopal Church in the United States, which has led a number of congregations in the United States to sever their ties with the traditional church authority and recognize the leadership of African church leaders; and (2) the current situation in Uganda, in which self-ascribing gay people have been the subject of journalistic attacks, and the parliament is considering extremely punitive legislation against homosexuality, including the death penalty. The significance of U.S. evangelical Christian organizations in these developments in Uganda is highly controversial. See, "American's Role Seen in Ugandan Anti-Gay Push," *New York Times*, January 3, 2011, <http://www.nytimes.com/2010/01/04/world/africa/04uganda.html?scp=1&sq=uganda+homosexuality&st=nyt> (accessed January 31, 2011). On the murder of David Kato, a Ugandan gay activist, see "Remembering David Kato, A Gay Ugandan and a Marked Man," *New York Times*, January 29, 2011. Online edition: <http://www.nytimes.com/2011/01/30/weekinreview/30gettleman.html?scp=1&sq=uganda%20homosexuality&st=cse> (accessed January 31, 2011).

42. The problem of gay asylum seekers is generating increasing comment in both Europe and the United States. See, for example, "Gays Seeking Asylum in U.S. Encounter a New Hurdle," *New York Times*, January 28, 2011. Online edition: http://www.nytimes.com/2011/01/29/nyregion/29asylum.html?_r=3&adxnnl=1&adxnnlx=1296537239-z1RDzREGi22zau8PjBkifA (accessed January 31, 2011).